IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.2351 OF 2003

Shaan Interwell (I) Ltd. & Ors. ...Petitioners.

Vs.

The Chembur Nagarik Sahakari

Bank Ltd. ...Respondents.

.....

Mr.Manish Geete i/b.Nankani & Associates for the Petitioners.

None for the Respondents.

.....

CORAM : DR.D.Y.CHANDRACHUD, J.

July 19, 2006.

P.C. :

Against an order of the Assistant Registrar, Co-operative Societies, issuing a recovery certificate under Section 101 of the Maharashtra Co-operative Societies Act, 1960, a revision lies under Section 154. In the circumstances, it would not be appropriate to entertain this petition since the Petitioners have an alternate remedy. The judgment of the Full

Bench in **Narendra Kantilal Shah vs. Joint registrar, Co-operative Societies (Appeal), Bombay**, 2004(1) ALL MR 798 has been stayed by the Supreme Court on 16th January 2004 in Greater Bombay Co-op. Bank Ltd. vs. Union Yarn Tex. Pvt.Ltd. (Petition for Special Leave to Appeal (Civil) 886/04). By an order dated 23rd November 2004 in **The Vishweshwar Sahakari Bank Ltd. vs. Bansilal Balchandra Raisoni**, (Civil Application (St.) No.29812 of 2004 and connected matter), a Division Bench of this Court has held that in view of the fact that the judgment of the Full Bench has been stayed by the Supreme Court, the proceedings before the Competent Authority under Section 101 of the Maharashtra Co-operative Societies' Act, 1960 can be continued. In the circumstances, there is no merit in this petition.

However, in order to enable the Petitioners to file a revision application under Section 154 of the Maharashtra Co-operative Societies' Act, 1960, there shall be a direction to the effect that in the event that a revision is filed within four weeks from today, the Divisional Joint Registrar shall dispose of the revision without having regard to the bar of limitation. The Petition is

dismissed.

....